



DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND
1322 PATTERSON AVENUE, SE, SUITE 1000
WASHINGTON NAVY YARD, DC 20374-5065

5720

Ser BD/ *060*

SEP 13 2019

Ms. Bina Ghanaat
Lankford Crawford Moreno & Ostertag, LLC
1850 Mt. Diablo Blvd., Suite 600
Walnut Creek, CA 94596

Dear Ms. Ghanaat,

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER
DON-NAVY-2019-010783

Your request of August 20, 2019, was referred to this command from Director, Navy Staff (DNS-36) for "...documents concerning the presence or remediation (including abatement) of asbestos-containing materials from the following locations: Naval Training Center (San Diego), North Island (San Diego), San Clemente Island, Guam Naval Air Station, Marine Corps Recruit Depot (San Diego, CA), Naval Air Reserve Station (Dallas, Texas or Grand Prairie, Texas), Great Lakes Training Center (Great Lakes, IL), Naval Dental Center (Bethesda, MD), National Navy Medical Center (Maryland), Bangkok, Thailand dental clinic for JUSMAG (Joint U.S. Military Advisory Group), Naval Yard (Bethesda, MD), and Da Nang (Vietnam) dental clinic." All other items in your request were referred to other naval commands with direct response to you.

After a search of our files, it has been determined that Naval Facilities Engineering Command (NAVFAC) has no records responsive to your request. Most of those installations are/were maintained by NAVFAC; however, we do not have any records for the date ranges you are requesting. Asbestos-related records and most construction/build records are temporary records with a 30-year retention requirement, and therefore are destroyed.

As-built drawings and construction/building records are permanent records that are sent to the National Archives and Records Administration (NARA). Once sent to NARA, NAVFAC is no longer the owner of the record; NARA owns it as a permanent record. We encourage you to visit the website or contact the National Archives to research their holdings and request copies of records at the following links: <https://www.archives.gov/research> and <https://www.archives.gov/research/order>.

If you consider this an adverse determination, you may appeal. Since you have created an account in FOIAonline, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER
DON-NAVY-2019-010783

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-01, ogis@nara.gov; (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Further questions regarding the action this office has taken may be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2019-010783 whenever corresponding about this request.

Sincerely,



P. A. POLLOCK
Chief Management Officer

Copy to:
NAVFAC (00C)

DON-NAVY-2019-010783 request Details

Due Date: 10/01/2019 Clock Days: 5

Requester Information

Requester Organization	Bina Ghanaat Lankford Crawford Moreno & Ostertag LLP	Tracking Number	DON-NAVY-2019-010783
Requester Has Account	No	Submitted Date	08/29/2019
Email Address	Bghanaat@lclaw.com	Received Date	08/29/2019
Phone Number	9253003520	Perfected Date	09/03/2019
Fax Number	9253003386	Last Assigned Date	08/29/2019
Address	1850 Mt. Diablo Blvd. Suite 600	Assigned To	Abby Machalec (Naval Facilities Engineering Command)
City	Walnut Creek	Last Assigned By	Abby Machalec (Naval Facilities Engineering Command)
State/Province	CA	Request Track	Complex
Zip Code/Postal Code	94596	Fee Limit	\$500.00

Request Handling

Requester Info Available to the Public?	No	Request Type	FOIA
Request Track	Complex	Request Perfected	Yes
Fee Category	Other	Perfected Date	09/03/2019
Fee Waiver Requested	No	Acknowledgement Sent Date	08/29/2019
Fee Waiver Status		Unusual Circumstances	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status		Court Docket Number	
		5 Day Notifications?	No

Long Description	Please see attached Correspondence
Has Description Been Modified?	No
Description Available to the Public?	No
Short Description	Dental Equipment

Appellate Authority	OJAG14
Case #	N/A
Name of Local Command	N/A
Contract/Sol.#	N/A
Limit Request To Clearly Releasable Info	N/A

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
OTTE - 2019.08.20 - FOIA Request to Navy.pdf	0.0827	Adobe PDF Document



BINA GHANAAT
bghanaat@lclaw.com

August 20, 2019

VIA ELECTRONIC UPLOAD

Department of the Navy – Office of the Chief of Naval Operations
FOIA/Privacy Act Program Office/Service Center ATTN: DNS 36
2000 Navy Pentagon
Washington, DC 20350-2000
(202) 685-0412
Email: DONFOIA-PA@Navy.mil

RE: Freedom of Information Act Request

Dear FOIA Coordinator:

Under the provisions of the Freedom of Information Act, 5 U.S.C. section 552, we are requesting all information in your possession as detailed below. We provide the following summary to give you an overview of the key facts which may assist you in gathering the requested documents.

We are investigating claims of asbestos exposure relating to a dental assistant/dental technician/dental equipment repairman's service in the U.S. Navy from September 13, 1960 to November 30, 1980. The employee's name is Frederick Otte (DOB 9/26/1942). Mr. Otte initiated a lawsuit relating to his alleged exposure to asbestos while in the U.S. Navy in Los Angeles Superior Court on August 29, 2017 and this action is still pending. (LA Superior Court #BC674228).

We request the following documents:

1. All documents that have previously been identified and produced in response to FOIA requests relating to Frederick Otte since January 2014.
2. Any and all documents that identify, refer, or relate to asbestos, including asbestos pipe insulation present on the following ships: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), and *D.D. Eisenhower* (CVN-69). As used herein, "asbestos" means asbestos fiber of any type or grade, including, without limitation, chrysotile, amphibole, and serpentine.
3. Documents concerning the presence or remediation (including abatement) of asbestos-containing materials from the following locations: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), *D.D. Eisenhower* (CVN-69), Naval Training Center (San Diego), North Island (San Diego), San Clemente Island, Guam Naval Air Station, Marine Corps Recruit Depot (San Diego, CA), Naval Air Reserve Station (Dallas, Texas or Grand Prairie, Texas), Great Lakes Naval

Training Center (Great Lakes, IL), Naval Dental Center (Bethesda, MD), National Navy Medical Center (Maryland), Bangkok, Thailand dental clinic for JUSMAG (Joint U.S. Military Advisory Group), Naval Yard (Bethesda, MD), and Da Nang (Vietnam) dental clinic.

4. Any and all documents that identify or describe the organization, duties, and responsibilities of the following job titles/classifications: dental technician; dental assistant; dental equipment repairman; DT-0000 Dental Technician (General); NAVPERS 91682-1B Dental Technician General 1st & Chief; Dental Repair (8732); 1-32.10 Dentist's Assistant (Med. Ser.); OCC NAVPERS 10736-B Dental Administration; NP10736-C; Property/Accounting (8703); DT-8732 Dental Equipment; 078-Dental Assistant; DT-8703 Dental Assistant Advanced for the time period between 1960 and 1980, including but not limited to any organization charts, base phone directories, mission statements, or job descriptions.

5. Any and all documents that identify, describe, refer, or relate to the job description, duties, and responsibilities for the following: dental technician; dental assistant; dental equipment repairman; DT-0000 Dental Technician (General); NAVPERS 91682-1B Dental Technician General 1st & Chief; Dental Repair (8732); 1-32.10 Dentist's Assistant (Med. Ser.); OCC NAVPERS 10736-B Dental Administration; NP10736-C; Property/Accounting (8703); DT-8732 Dental Equipment; 078-Dental Assistant; DT-8703 Dental Assistant Advanced for the time period between 1960 and 1980, including but not limited to any organization charts, base phone directories, mission statements, or job descriptions.

6. Any and all documents that identify, refer, relate or pertain to asbestos training and asbestos monitoring (including but not limited to Asbestos Questionnaires, Asbestos Air Sampling Studies, Asbestos Warning Education, Chest X Ray programs and Respirator Trainings) for dental technicians, dental assistants, and dental equipment repairmen from 1960 through 1980 administered by any entity.

7. Any and all documents that identify, refer, or relate to the procurement procedures in place from 1960 to 1980 that were used to obtain dental products, including but not limited to, casting ring liners/dental tape, any guidelines or protocols for sourcing such products, cost parameters, authorized local vendors, descriptions of the procedure for sourcing products through the Naval Supply System and any guidelines, rules, or policies related to sourcing expendable parts (dental tape) through the Naval Supply System versus local vendors relevant to the following ships and/or locations: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), *D.D. Eisenhower* (CVN-69), Naval Training Center (San Diego), North Island (San Diego), San Clemente Island, Guam Naval Air Station, Marine Corps Recruit Depot (San Diego, CA), Naval Air Reserve Station (Dallas, Texas or Grand Prairie, Texas), Great Lakes Naval Training Center (Great Lakes, IL), Naval Dental Center (Bethesda, MD), National Navy Medical Center (Maryland), Bangkok, Thailand dental clinic for JUSMAG (Joint U.S. Military Advisory Group), Naval Yard (Bethesda, MD), and Da Nang (Vietnam) dental clinic.

8. Any and all documents identifying the brand name, manufacturer or suppliers of dental equipment or products present in the following locations from 1960 to 1980: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), *D.D. Eisenhower* (CVN-69), Naval Training Center (San Diego), North Island (San Diego), San Clemente Island, Guam Naval Air Station, Marine Corps Recruit Depot (San Diego, CA), Naval Air Reserve Station (Dallas, Texas or Grand Prairie, Texas), Great Lakes Naval Training Center (Great Lakes, IL), Naval Dental Center (Bethesda, MD), National Navy Medical Center (Maryland), Bangkok, Thailand dental clinic for JUSMAG (Joint U.S. Military Advisory Group), Naval Yard (Bethesda, MD), and Da Nang (Vietnam) dental clinic.

9. Any pictures of the bunk spaces or sleeping quarters, mess hall, or other common areas aboard the following ships: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), and *D.D. Eisenhower* (CVN-69).

10. Any pictures of the areas in which dental work were performed in the following locations from 1960 to 1980: *General Hugh J. Gaffey* (MSTS), *USS Ticonderoga* (CVA14), *USS Nimitz* (CVAN68), *D.D. Eisenhower* (CVN-69), Naval Training Center (San Diego), North Island (San Diego), San Clemente Island, Guam Naval Air Station, Marine Corps Recruit Depot (San Diego, CA), Naval Air Reserve Station (Dallas, Texas or Grand Prairie, Texas), Great Lakes Naval Training Center (Great Lakes, IL), Naval Dental Center (Bethesda, MD), National Navy Medical Center (Maryland), Bangkok, Thailand dental clinic for JUSMAG (Joint U.S. Military Advisory Group), Naval Yard (Bethesda, MD), and Da Nang (Vietnam) dental clinic.

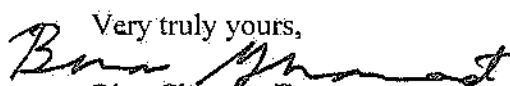
If there is an index to any files that might contain responsive documents and it would assist you for me to review that first to help better tailor these requests, I would be happy to do so. We would also be glad to assist you in researching this, if a large number of documents would have to be reviewed to comply with this request. Please let me know if I can help in that regard.

We understand that there may be a fee for research and copying. We will pay any such fees upon notice up to \$500. If the fee will exceed \$500, please contact me and we will reevaluate our requests.

All responsive documents may be sent to Bina Ghanaat at the address above.

We would like to have these documents within 30 days to prepare for upcoming trial. If you have any questions or problems with this request please contact me at the email above or by phone at (925) 300-3520, ext. 311 or please contact Legal Assistant Carlos Chavez at Cchavez@lclaw.com or by phone at (925) 300-3520 ext. 306.

Thank you very much for your assistance in this matter.

Very truly yours,

Bina Ghanaat, Esq.

BG:cc